

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner

Date: February 17, 2015

RE: ZP15-0747SP, 495 Colchester Avenue

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP15-0747SP

Location: 495-497 Colchester Avenue

Zone: NMU **Ward:** 1

The parcel is within the **Natural Resource Protection Overlay (NR) District, Riparian and Littoral Conservation Zone.**

Date application accepted: January 26, 2015

Revised Plans submitted: February 2, 2015

Applicant/ Owner: Jay White, Architect / Randall Brisson

Request: Cut timber frame and raise building approximately 9'7" leaving buried first floor, stone foundation basement and concrete retaining wall below grade; insert new floor and reconstruct foundation-grade level for proposed commercial use (approx.. 2000 sq. ft.); request relocation of parking and curbs (within right-of-way.)



Background:

- Zoning Permit 03-019; replace existing slate shingles with slate colored architectural shingles. July 2002.
- Zoning Permit 02-154; replace slate and asphalt shingles with (artificial) Majestic slate tiles. September 2001.
- Zoning Permit 93-219; change of use from commercial office space to one residential unit (575 sq. ft.) for a total of 4 units and no commercial space. No exterior changes proposed. November 1992. (1 parking space.)
- Zoning Permit 87-745 / COA88-036; erect one projecting sign for the office space and one place sign with “carriage house” carved above the front door. March 1988.
- Zoning Permit 87-529; 87-171; relocate existing residential unit into vacant space and convert the residential space to office use. Adding one parking space requesting waiver of one space. Approved with conditions October 1987. (0 parking spaces, 2 required, 1 proposed.)



George LaValley's furniture store
c. 1927.

Overview: 495-497 Colchester Avenue, known as the Duncan/Dubuc Blacksmith Shop was constructed prior to 1822 (David Blow, *Historic Guide to Burlington Neighborhoods*, V. II.) and is recognized as one of the oldest industrial structures in Burlington. The flood of November, 1927 would change its appearance, as the necessity of raising the bridge footings resulted in burying the building up to its second floor. With a subterranean concrete barrier wall, the basement and first floor have remained below grade since the bridge was reconstructed in 1928. The present owner is exploring the possibility of cutting the timber frame, raising the visible

portions of the building and inserting a new floor so as to replicate the original appearance of the structure.

The building is listed on the National Register; a contributing resource to the **Winooski Falls Mill Historic District** (boundary increase).

The building has four residential units. Only one off-street parking space has been acknowledged in prior permitting. All other parking spaces remain in the city right-of-way.

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability *Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.*

Impact Fees will be assessed for the newly inserted commercial use on the basement and at-grade floors.

Article 4: Zoning Maps and Districts

Table 4.4.2 -1 Dimensional Standards and Density						
Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Height (feet)
NMU	2.0 FAR	80%	Front ^{4 6}	Side ^{2 0}	Rear ^{2 0}	Min: 20 ³ Max: 35
495-497 Colchester Avenue proposed	Lot size is 4015; Max FAR at 2.0 is 8030. Proposed: 1415 existing cellar. Inserted ground floor 1416. Rebuilt first floor 1735. Existing second floor 1735. Proposed attic "loft" 409. Total sf. 6710 sf. less than 8030, 2.0 FAR.	Not provided. Appears conforming; confirmation required.	Previous site plans illustrate structure on lot line on north and west. Rvised site plan moves west boundary line. Proposed porch and west entry may encroach into public ROW. A survey is likely to be required to confirm property boundaries.	Not provided. As illustrated in SP1, appears compliant. Not abutting a residential district so does not need to meet 15' setback.	No rear setback as property has 2 street frontages. Not applicable	As submitted, west side: 24'6". North side: 27'5". East side 31'3". South side 31'2". Grades are proposed to be manipulated, resulting in these measurements.

1. Floor area ratio is defined in Art. 13 and described in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any property line that abuts a residential zoning district.
3. Minimum building height shall be 20-feet and 2 story's. Measurement of and exceptions to height standards are found in Art 5. Bonuses for additional building height are described in section (d)3 below.
4. All structures shall be setback 12-feet from the curb on a public street.
5. Exceptions to minimum lot coverage are provided in (d)2.
6. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.

Section 4.5.4 Natural Resource Protection Overlay (NR District)

(c) District Specific Regulations: Riparian and Littoral Conservation Zone:

From the Burlington Conservation Board, Bylaws, as amended 2012:

9.) Administrative Review Delegation. The Conservation Board hereby authorizes administrative permit review for properties affected by the Natural Resource Protection Overlay District and involving applications within the following categories:

*A. Zoning permit applications that **do not** involve "construction and construction activity" as defined in Chapter 26: Wastewater, Stormwater, and Pollution Control.*

*B. Zoning permit applications that **do not** include new outdoor lighting.*

*C. Zoning permit applications that **do not** increase the degree of existing encroachment into the applicable Overlay.*

D. Zoning permit applications for properties that are affected only by an Overlay buffer and are physically separated from the Natural Resource area by existing streets as defined in Article 13, Definitions, of the Comprehensive Development Ordinance.

Although physically within the NR Overlay District, the above provision exempts the project from standard review as it is separated from the Natural Resource Area (Winooski River) by Mill Street. A Stormwater Management and EPSC review will still be required due to proposed grade changes on-site.

Article 5: Citywide General Regulations

Section 5.1.1 Uses

See Appendix A, below.

Section 5.2.3 Lot Coverage Requirements

This will need to be submitted for review and confirmation of compliance. Early site plan review suggests that coverage remains below the 80% limitation. Property boundaries are dissimilar in the two sets of plans submitted; the most recent does not appear to reflect westerly boundary lines as illustrated in the 1946 Hoag survey. A new survey will likely be required to make accurate evaluation.

Section 5.2.4 Buildable Area Calculation

The parcel is not within the RCO, WRM, RM, WRL or RI zoning district. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.2-1, above. The suggested westerly porch and access ramp appear to be within the public ROW (from preliminary submission materials and previously approved site plans) and subject to approval by the Department of Public Works and agreement through the City Attorney's office, subject to City Council approval.

A revised site plan has moved the boundary line to the west, accommodating the replacement porch. A survey will likely be required to confirm the location of the boundary line and to ascertain where the public ROW begins.

Section 5.2.6 Building Height Limits

See Table 4.4.2-1, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.2-1, above. Project appears to meet FAR limitation of 2.0; needs confirmation of compliance with (b) Floor Area Ratio.

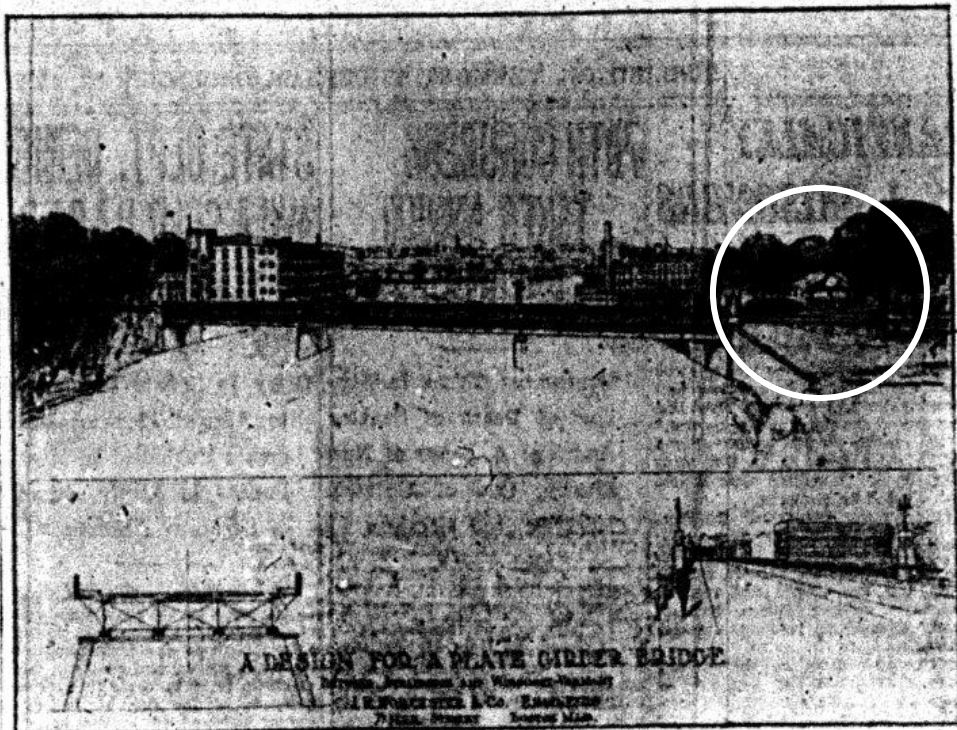
Part 3: Non-Conformities

The parcel is currently non-conforming for parking. See Article 8, below.

Section 5.4.8 Historic Buildings and Sites

TON FREE PRESS AND TIMES: THURSDAY, DECEMBER 22, 1927.

WINOOSKI BRIDGE MAY BE READY BY JULY 1 IF HIGHWAY BOARD APPROVES PLANS TODAY



Plan of Bridge selected by Burlington and Winooski City Governments to be built between the two cities.

(b) Standards and Guidelines: The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

This historic use (prior to the flood) was commercial. Leases dating prior to the event demonstrate the building's use as a furniture store utilizing the basement and ground floor area with the rear building for storage (3-11 Mill Street, now a separate parcel.) The structure has been more recently used as a multi-unit residential building. The residential use is proposed to be continued; with the addition of a small <2000 sf. café space. The proposed insertion of a floor to accommodate the commercial use will change the spatial relationships that currently characterize the property. Alterations proposed for some elevations will need to be confirmed to be consistent with the original building arrangement if the project is deemed to be a reconstruction of a historic building.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The historic character of the building after 1927 is substantially different than prior to the flood. The building was listed on the National Register in 1993 in its present situation. The proposal to "raise" the building (the upper story and a half only; new floors to be inserted below) will alter the character of the building from its present appearance. The site, particularly in grade change, is proposed to be manipulated as well. The application points to a return to a pre-flood arrangement, but in doing so will substantially alter the existing character of the structure and its site. From surviving photos, it is clear that the newly constructed building will be placed on a higher plane in relation to the street than the original situation. The building itself is proposed to be perched on a masonry foundation substantially higher above grade than it was prior to 1927, with full story exposure of grade walls on the east. The proposal is a dramatic re-interpretation of spatial arrangements that would result in significant damage and loss of existing historic fabric, destroying the essential history of the site. The building's state of submersion *IS* a spatial arrangement primary to the building's character.

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Plans include addition of a westerly porch; a feature illustrated in historic photographs. This component is now proposed to be reconstructed in what appears to be within the public right-of-way; requiring approval of the Department of Public Works and the City Council. Alterations on

other facades may or may not be accurate to the building's original features, and should only be considered if historic photodocumentation can be provided.

Proposed elevations illustrate 3 ½ stories of exposed structure on the east; something that has not been confirmed as historically accurate. Unless photodocumentation may substantiate the visual qualities that are sought in this application, exposed foundation walls and access entries to the building should not be included in the plan. Other window and door openings are added to support the proposed interior function; however may be considered conjectural without evidence that they originally existed.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

There are few historic events that command the attention of the Vermont Flood of 1927. This building is one of the more dramatic reminders of a community disaster; having been buried with the engineered grade changes associated with the construction of new bridge abutments. The essence of this building's importance is intensely associated with its early industrial use (pre-dating the mills that surround it; however the rare remnant of early industrial activity at Burlington's earliest industrial center; the falls in Winooski.) The greater significance lies in the structure's retention and alteration by events associated with a state-wide natural catastrophe. The changes following that event, including the grade alterations and building submersion provide tangible and visual evidence of the response to an incredibly epic disaster. Primary documentation defines the choices made by two communities struggling to recover: Army engineers and the Worcester engineering company from Boston in remediating the loss and catastrophic transportation interruption with the loss of the bridge and its pontoon replacement shortly thereafter. As the Winooski bridge piers had been improved the year before the event, the decision was made to retain those, accepting the required grade alterations on the Burlington side to accommodate a new span. Oddly but significantly, engineers chose to retain this structure rather than demolish, seemingly to have continued value and use. The changes reflected in this building's alteration (structural burial) remain important and worthy of retention if only as a barometer of the devastation wrought by Vermont's most famous natural disaster. As a comparison, some buildings that were covered by the 1980 volcanic eruption of Mt. St. Helens have been preserved as historic monuments to that momentous natural disaster in the state of Washington.

The events associated with this building have state and national importance *today* as our country struggles with climate change and impacts of associated natural disasters on communities. As this dialogue continues, it is especially important not to remove the lessons and physical evidence of past occurrences. The proposed alterations would erase history, removing the vital reminder of the events of November 1927 and how communities responded. The building's survival, with scars, is part of that very important fabric.

The application to raise the top story and a half of the building and insert additional floor(s) will significantly spoil that physical documentation, altering the historic integrity of the building and site. Physically and tangibly, the resource and its history will be destroyed. Under this standard, retention and continuance of the existing conditions with focused structural repair meet this standard.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Specific construction details have not been submitted. Materials intended for new use (foundation, exterior finishes) would be essential to understanding compliance with this standard.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The proposed westerly replacement porch can be substantiated in historic photographs; however the plan illustrates the component further above grade than was historically evident. The additional wrinkle is the work potentially falls within the public right-of-way. As site plans differ on the location of the westerly property line, a survey will likely be required.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Structurally a timber frame with brick veneer building, the application proposes severing the structural posts (vertical members) to raise the plate and principle rafters, leaving girts and sill (horizontal framework) behind. Although new construction can physically replace the weight bearing capacity of the original framework, the original timber frame will be irreparably altered and the historic integrity of the frame lost. Slicing the building into layers is avoidable damage



Annotation reads: "Before Bridge went out-"
Courtesy UVM Landscape Change Program

and inconsistent with this standard.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

David Blow in his *Historic Guide to Burlington Neighborhoods* shares that this building is considered to be the oldest identified industrial structure in Burlington; predating the American Woolen Mill, the Chase Mill, the Champlain Mill, and the Burlington Cotton Company Tenement that surround it. The only other contemporary industrial structure, the Burlington Flouring Company Grist Mill (c. 1823) suffered such catastrophic damage from flood waters it was torn down after the event. As the events of November 1927 have caused the structure to be partially buried, the subterranean portion of the building may now be deemed archaeologically sensitive. The resource, as artifact, becomes important both above and below grade. The site now provides strata of use, with layers and phases of construction that are significant for different periods. The parcel has become an industrial archaeological resource. Disturbance should be avoided; portions that remain below grade should be left intact and treated as historically sensitive resources that contribute to the integrity of the site.

Any alteration, if deemed acceptable, should require investigation, documentation, and recording of the site and structures by one specialized in the field. Mitigation of the loss should be considered as well.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The applicant proposes the development to recreate the structure to a period prior to a natural catastrophe that significantly altered the site and building. The work will involve insertion of at least one new story; with functional replacement of the on-grade floor for commercial use. While characterized as a “reconstruction”, the project will significantly damage the original timber frame structure, present a building that never existed as is proposed in the drawings on a much higher grade and with exposed foundation; sheathed and finished to appear as a surviving building. There will be insertion of a significant amount of new construction, concealed to appear as historic building fabric, lending an incorrect version of structure and events that have occurred there. In that this criterion requires us to “protect the integrity of the property and its environment”, the proposal fails to meet the standard.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed work cannot be determined to be reversible; therefore inconsistent with this standard.

Given the extensive alteration to the structure, **Section 5.4.8 (d) Demolition of Historic Buildings** may be a more appropriate standard of review which would require that the community be compensated for the permanent loss of a historic resource by redevelopment. Reference is made to that Section, with standards for review of demolition.

Section 5.4.9 Brownfield Remediation

None identified.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

None identified.

Section 5.5.2 Outdoor Lighting

Final development plans will be required to comply with the lighting standards defined in this section.

Section 5.5.3 Stormwater and Erosion Control

All new development and redevelopment projects that require a zoning permit shall be required to demonstrate compliance with the standards in Article 3, Stormwater and Erosion Control of Chapter 26 of the City Code of Ordinances; wastewater, Stormwater, and Pollution Control.

Given the proposed grade manipulation, and location with the NR Protection Overlay, a Stormwater Management Plan, as well as an Erosion Prevention and Sediment Control Plan will be required for review and approval by the City Stormwater Engineering staff.

Section 5.5.4 Tree Removal

The plan does not identify landscaping changes including tree removal. If trees meeting the quantity and maturity levels identified in this section are proposed to be removed, then they will need to be identified on submission materials and included as part of an overall landscaping plan for redevelopment.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

a) Protection of Important Natural Features

The structure sits almost directly on the property lines to the north and west (as interpreted from previously approved site plans, and the original submission documents.) Only a small courtyard to the south and a narrow passage on the west remain. Previously approved site plans define landscaping in these areas. An application will be required to include an identification of existing landscaping, and proposed changes or additions.

b) Topographical alterations

Grade changes are proposed to accommodate h/c access to a westerly door, and to ease the transition to the rear / south courtyard. Submitted plans should include contours to better understand how the topography is proposed for change.

c) Protection of Important Public Views

There are no protected public views from this parcel. How the site will be viewed from both sides of the river is proposed to be dramatically altered, however.

d)Protection of Important Cultural Resources

See Section 5.4.8, above.

e)Supporting the Use of Renewable Energy Resources

Although not included within submission material, development that includes the use of renewable energy (wind, water, solar, geothermal) is encouraged.

f) Brownfield Sites

None identified. See Section 5.4.8 (b) 8., above, for archaeological sensitivity.

g)Provide for Nature's events

Revised plans illustrate one on-site parking space, but no identified snow storage area if that spot is to be used. That parking location was identified in recent litigation as encumbered under easement to the abutting property to the east for parking turn-around. An accurate survey and an understanding of current use will be essential in determining if that parking space is factually usable.

The desire to create more (public) green space around the building is based, in part, to the current situation where snow is plowed up against the building, creating a berm that is difficult to traverse. Any work within the public right-of-way requires consultant and cooperation with the Department of Public Works, and approval by the City Council.

The proposed westerly porch, if approved for reconstruction within the ROW, would provide shelter to building residents and visitors. A small balcony is suggested on a reconstructed north elevation. Nearly a full length porch is proposed for the south, which also would provide shelter. The easterly access door proposed on grade has no roof cover. As this is intended to be an entrance for a commercial use, a canopy or similar is recommended for resident/customer comfort.

h)Building Location and Orientation

The *location* and *orientation* are proposed to remain as existing, although the new construction will significantly alter the structural presence on that corner. As proposed, building entrances will be added or enhanced to three elevations.

i) Vehicular Access

Previous permits acknowledged on on-site parking space which apparently has never been realized on the rear / south corner. There is functionally no on-site parking or habitually used vehicular access. The land to the east (Dubuc Lane) is utilized via easement by the abutting mixed use building. If the project is realized and the grade-level use becomes commercial, further discussion should center on frequency of delivery vehicles and required access for that use.

j) Pedestrian Access

Access is proposed via the newly constructed westerly façade (potentially within the ROW), a door to commercial space on the east, and entrances to residential units on the south. Secondary egress is not identified. Sprinklering the building may alter these life safety requirements. Consultation with the building inspector is advised.

k) Accessibility for the Handicapped

Handicapped access is proposed via the westerly on-grade entrance; however the work is likely within the public ROW.

l) Parking and Circulation

There is one on-site parking space recognized in previous permitting, although it does not appear to have been functionally used. The area identified on SP1 is a back-up area for 5-11 Mill Street by easement. There does not appear to be any usable on-site parking.

m) Landscaping and Fences

A landscaping plan will be required at the time of submission.

n) Public Plazas and Open Space

There are no public plazas identified. Building residents may be free to enjoy the rear / south porches. The south courtyard would provide a pleasant place for enjoying gardens and a private urban space.

o) Outdoor Lighting

See Section 5.2.2, above.

p) Integrate Infrastructure into the design

Submitted plans must include the location of meters, mailboxes, mechanical equipment, satellite dishes, trash, recycling, and other site features for appropriateness of location and required screening. Any new utilities must be undergrounded. Disclosure of HVAC equipment location and noise levels will be required if proposed.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

There are few places in Burlington that have a similar relationship to the terrain; the topography changes dramatically as Colchester Avenue descends to the Winooski Bridge; yet continues to descend around the corner eastward on Mill Street. 495-497 Colchester Avenue sits at the intersection of these two changing grades, which is starkly reflected in the rear yards of these parcels.

The proposed massing, height and scale is intended to recreate a building in that location 88 years ago. While simplistic in intent, the new structure will sit at a substantially higher grade, and have more exposed building surface than can be documented as previously existing.

Neighboring buildings 5-11 Mill Street, 13-17 Mill Street, and the southerly 483 Colchester Avenue are all 2-2 ½ story buildings reflecting the historic demand for commercial storage space and factory worker housing during the active mill period. The proposed new construction at 495-497 Colchester Avenue will functionally raise the building higher than its previous appearance and provide more active floor space (4 ½ floors) than it originally enjoyed.

Breakdown of proposed floors and use:

Original basement – to remain; partial use as commercial café.

Below grade 1st floor – to become new basement. This is above grade at east end. Commercial use proposed.

Newly inserted floor, to be residential use.

Raised 2nd floor , residential use.

Attic (loft); residential.

As the grade changes significantly among these buildings, the pedestrian perception of building height is likely to change. See project building heights in Table 4.4.2-1.

2. Roofs and Rooflines.

The original gable roof is proposed to be retained. A rear (south) porch appears to have almost a flat roof. The westerly porch is similarly styled; although within the public right-of-way and outside zoning review.

The National Register nomination informs that the easterly porch (proposed to be removed) was added between 1906 and 1912. Further investigation as to its integrity should precede consideration of its removal, to determine if its continuance is appropriate for retention of a feature of merit.

3. Building Openings

A principle building entrance is identified on the westerly façade; the easterly door is assumed to be for the commercial tenant space. Resident entries are illustrated off southerly porches and, on the at-grade Colchester Avenue floor, to the west.

From historic photos this level provided a commercial entrance, not residential.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8, above.

(c) Protection of Important Public Views:

See Section 6.2.2. (c).

(d) Provide an active and inviting street edge:

As the intent is to recreate a building partially below grade, an effort has been made to replicate feature arrangement and finishes of the original. The redesigned westerly porch is welcoming; however perhaps not within the parcel boundaries.

The irregularly spaced windows on the north (river) elevation seem similarly oriented from a historic photograph, although the double door entrance may not be based on evidence. The balcony is likely within the ROW.

As the building is situated on the property line along street frontages, there is little opportunity for active landscaping in those areas. If the work within the ROW is found to be acceptable to DPW and the City Council, there is an expanded opportunity for creation of green space and other amenities beneficial to the site.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Specific materials are not defined, but intended to replicate the original building materials. Further definition for finishes will need to be submitted.

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

Provision for solar access is encouraged. Shadow impacts are not anticipated to be a factor, as the area of shadow would fall into the streetscape.

(g) Make advertising features complementary to the site:

Any signage will require a separate sign permit.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Redevelopment will be required to meet all building and life safety code as defined by Burlington's building inspector and fire marshal. Adequate lighting shall be provided at building entrances, and be compliant with Section 5.2.2 of the ordinance.

Article 7: Signs

Any signage will require a separate sign permit.

Article 8: Parking

At present the site is non-conforming to parking standards, as there is no on site parking for the existing use (4 residential units.)

Previous permitting has acknowledged only 1 on-site parking space (rear/south of the parcel. See 1987 site plan.) That parking space is now illustrated on a revised site plan. The applicant defines use of four *on-street* parking spaces; all within the public ROW. The applicant proposes the re-alignment of sidewalk, curbing and on-street parking as part of this project. All work within the public right-of-way is outside zoning jurisdictional review, and is at the discretion of the Department of Public Works and requires approval of the City Council.

The proposed Café use has no parking requirement within the Shared Use parking district. If the commercial use is *greater* than 2,000 sq. ft., the use becomes a "restaurant" which has a parking requirement of 3 parking spaces per 1,000 sq. ft. The site is deficient in providing the required parking off-site for the restaurant commercial use.

Section 8.1.7 Non-conforming Residential Structure

*Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parkig District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Section 8.1.8, **one (1) parking space shall be provided for each additional room.***

Floor plans will be required for existing conditions and proposed layout to discern any increase in the number of rooms. Any increase will require providing an incremental number of parking spaces for the use, based on the increased room count.

Section 8.1.12 Limitations, Location, Use of Facilities.

(a) Off-Site parking facilities

2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Section 8.1.15 approved by the DRB.

Parking for the four residential units has been illustrated on Mill Street on-street. (See 1987 approved site plan.) Any new parking associated with a restaurant use, or any additional parking required per Section 8.1.7 for proposed additional rooms must be provided in conformance with this standard.

Appendix A: Use Table

The applicant has proposed a Café in the newly inserted floor at easterly grade with partial use of the basement. A café (</+ 2,000 sq. ft.) is a permitted use in the NMU zoning district.

The four existing residential units are proposed to be retained.

II. For Consideration:

1. A survey will be required to accurately reflect property boundaries and setback measurements.
2. Any work proposed for the right-of-way will require consultation with the Department of Public Works, and approval by the City Council.
3. If the commercial use exceeds 2,000 sq. ft., the use will be considered a restaurant and requiring parking spaces based upon the gross floor area.
4. If encouragement is offered for this project, **Section 5.4.8 (d) Demolition of Historic Buildings** will be a required review standard.
5. A Stormwater Management Plan, as well as an Erosion Prevention and Sediment Control Plan will be required for review and approval by the City Stormwater Engineering staff.
6. A landscaping plan will be required at the time of submission.
7. A lighting plan with photometrics will be required at the time of submission.
8. The applicant shall define all proposed material finishes.
9. Any signage will require a separate sign permit.
10. Location of meters, mailboxes, utility connections and HVAC equipment will be identified on elevations and/or site plans as appropriate, for review of appropriateness and the necessity of screening.
11. Additional parking spaces may be required dependant upon the number of net new rooms proposed (per Section 8.1.7. Off-site parking will have to be identified and meet the limitations and requirements of Section 8.1.12.
12. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.